

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 2421 OF 2021

SNEHA
NITIN
CHAVAN

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Date: 2022.02.08
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Dr. Basant Gangadhar Aneraye ..Applicant

V/s.

Kiran Dattatray Kothawade and Anr. ..Respondents

Mr. Vikas B. Shivarkar for the Applicant.

Mr. Sachin Deokar for Respondent No.1.

Mr. Y.Y.Dabake, APP for the Respondent/State.

CORAM : C.V. BHADANG, J.

DATE : 8 FEBRUARY 2022
(Through Video Conferencing)

P.C.

1. The Applicant, who is a Medical Practitioner by profession was desirous of opening a polyclinic and there was a proposal made to the first informant for providing space to the informant for a pharmacy. The Applicant accepted Rs.10 lakhs on 14.11.2019, which has neither been repaid, nor the multi-specialty hospital has come up. Even, the cheque which was issued by the Applicant in favour of the first informant, was dishonoured which led to proceeding under Section 138 of the Negotiable Instruments Act, which are pending.

2. The record discloses that the interim protection was granted to the Applicant on 07.10.2021 *inter alia* on condition of attendance. The learned counsel for the Applicant states that the Applicant has reported to the Investigating Officer and has co-operated with the investigating agency. The learned counsel for the Applicant points out that there was a bonafide intent on the part of the Applicant to open a multi-specialty hospital and providing a space to the informant for a pharmacy. However, he states that on account of the pandemic, the proposal could not materialise.

3. The learned counsel for the Applicant on instructions states that the Applicant shall deposit an amount of Rs.10 lakhs before the learned Magistrate on or before 31.05.2022. The statement so made is accepted. In view of this statement, the learned counsel for the complainant stated that this Court may pass appropriate order.

4. In the result, the Criminal Application is disposed of in terms of order dated 07.10.2021, subject to the condition that the Applicant shall deposit Rs.10 lakhs before the learned Magistrate on or before 31.05.2022. The Applicant shall file an undertaking to that effect before this Court within two weeks from today, with a copy being served on the complainant and the Investigating Officer.

Such a deposit shall be without prejudice to the rival contentions of the parties.

In the event amount is not deposited or the undertaking is not filed, this order shall stand vacated without reference to the Court.

If upon such deposit, the complainant/first informant applies for withdrawal of amount, the learned Magistrate shall permit the same, which shall be without prejudice to the rival contentions of the parties.

(C.V. BHADANG, J.)